

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)
v.)
PAULETTE MARTIN,)
Case No. 17-6199
Plaintiff/Appellee,)
Defendant/Appellant.)

UNITED STATES OF AMERICA,)
v.)
LUIS FELIPE MANGUAL, SR.,)
Case No. 17-6200
Plaintiff/Appellee,)
Defendant/Appellant.)

UNOPPOSED MOTION FOR LEAVE TO FILE
APPELLANTS' REPLY BRIEF ONE DAY OUT OF TIME

Appellants Paulette Martin and Luis Felipe Mangual, Sr., by and through undersigned counsel, hereby move this Court pursuant to Federal Rule of Appellate Procedure 27 for leave to file their reply brief one day out of time in the above-captioned matters. In support thereof, counsel for Appellants states the following:

1. Appellant Paulette Martin was convicted of conspiracy to distribute and possess with intent to distribute controlled substances, in addition to related offenses.

On December 19, 2006, the district court sentenced her to life imprisonment. On February 23, 2015, Ms. Martin filed a *pro se* motion in the district court seeking a reduced sentence of 360 months under 18 U.S.C. § 3582(c)(2) following the retroactive application of Amendment 782 to the U.S. Sentencing Guidelines. Counsel supplemented the motion on July 14, 2015. The district court denied relief on March 16, 2016. The Fourth Circuit Court of Appeals vacated the order on October 4, 2016, and remanded the case to the district court for further proceedings. Following remand, the district court denied Ms. Martin's motion in an order dated February 6, 2017. She timely filed a notice of appeal on February 16, 2017.

2. Appellant Luis Felipe Mangual, Sr. was convicted of one count of conspiracy to distribute and possess with intent to distribute controlled substances in the same case. On October 4, 2006, the district court sentenced him to 262 months' imprisonment. On April 17, 2015, Mr. Mangual filed a *pro se* motion in the district court for a sentence reduction under 18 U.S.C. § 3582(c)(2) following the retroactive application of U.S.S.G. Amendment 782. Counsel supplemented Mr. Mangual's motion on December 14, 2016, seeking a reduced term of 168 months. In an order dated December 20, 2016, the district court granted relief, but only in part, reducing Mr. Mangual's sentence to 210 months. In an order dated February 3, 2017, the district court declined any further reduction. Mr. Mangual timely filed a notice of

appeal on February 16, 2017.

3. Appellants filed their opening brief and the parties' joint appendix on April 6, 2017. The government filed its response brief on May 12, 2017. Appellants' reply brief was due to be filed on or before May 31, 2017.

4. On May 30, 2017 (one day before the deadline for Appellants' reply brief), undersigned counsel filed the opening brief and joint appendix in another case, *United States v. Larry Recio*, 4th Circuit Case No. 17-4005. Due to the overlapping time constraints on counsel, she regrets that she was unable to complete Appellants' reply brief by the end of the following day.

5. Counsel has informed the government, through Assistant U.S. Attorney David A. Salem, of the intended filing of this motion. The government consents to the requested relief.

Wherefore, Appellants respectfully request that this Court grant their motion for an order granting leave to file their reply brief one day out of time on June 1, 2017.

Respectfully submitted this 1st day of June, 2017.

JAMES WYDA
Federal Public Defender for the
District of Maryland

/s/ Sapna Mirchandani
SAPNA MIRCHANDANI
Appellate Attorney
Office of the Federal Public Defender
6411 Ivy Lane, Suite 710
Greenbelt, MD 20770
(301) 344-0600

Counsel for Appellants

CERTIFICATE OF SERVICE

This is to certify that the foregoing Unopposed Motion For Leave to File Appellants' Reply Brief One Day Out Of Time was filed electronically via CM/ECF, which automatically sends notice of such filing to the following registered CM/ECF user:

David A. Salem
Assistant U.S. Attorney
Office of the U.S. Attorney
36 South Charles Street, 4th Floor
Baltimore, MD 21201

on this 1st day of June, 2017.

/s/ Sapna Mirchandani
Sapna Mirchandani